

such compendium since it contained carbonizable substances in excess of the maximum provided by the pharmacopoeia, and (in one lot) chlorinated decomposition products and its difference in quality or purity from said standard was not plainly stated on the label.

On February 24, 1942, a plea of guilty having been entered on behalf of the defendants, the court imposed a fine of \$50 against the corporation and the individual defendant on each of the two counts.

**674. Adulteration and misbranding of magnesium carbonate. U. S. v. City Chemical Corporation and Max Wolpert. Plea of guilty. Corporation and Max Wolpert each fined \$100. (F. D. C. No. 2973. Sample No. 99913-E.)**

This product was labeled as magnesium carbonate, but consisted of approximately 96 percent of calcium carbonate.

On November 7, 1941, the United States attorney for the District of New Jersey filed an information against the City Chemical Corporation, Jersey City, N. J., and Max Wolpert, an officer of said corporation, alleging shipment on or about November 12, 1940, from the State of New Jersey into the District of Columbia, of a quantity of magnesium carbonate that was adulterated and misbranded.

The article was alleged to be adulterated (1) in that a product consisting of approximately 96 percent of calcium carbonate had been substituted in whole or in part for magnesium carbonate; and (2) in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia, but its strength differed from or its quality or purity fell below the standard set forth in the pharmacopoeia and its difference in strength, quality, or purity from such standard was not plainly stated on the label.

It was alleged to be misbranded (1) in that the statement on the label, "Magnesium Carbonate \* \* \* U. S. P.," was false and misleading; and (2) in that it consisted essentially of calcium carbonate and was offered for sale under the name of another drug, "Magnesium Carbonate U. S. P."

On February 24, 1942, a plea of guilty having been entered on behalf of the defendants, the court imposed a fine of \$50 on count 1 and \$25 each on counts 2 and 3 against both the corporation and the individual defendant.

**675. Adulteration and misbranding of oxygen and carbon dioxide mixture, U. S. v. Stuart Oxygen Co. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 5536. Sample No. 55252-E.)**

This product was represented to contain 7 percent of carbon dioxide, whereas it contained 9 percent of carbon dioxide.

On December 22, 1941, the United States attorney for the Northern District of California filed an information against Stuart Oxygen Co., a corporation, San Francisco, Calif., alleging shipment on or about September 21, 1940, from the State of California into the State of Washington of a quantity of oxygen and carbon dioxide mixture which was adulterated and misbranded. It was labeled in part: "Stuart Medical Oxygen-Carbon Dioxide Mixture \* \* \* 93% Oxygen—7% Carbon Dioxide."

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess since it was represented to contain not more than 7 percent of carbon dioxide, but did contain not less than 9 percent of carbon dioxide.

It was alleged to be misbranded in that the statements, (cylinders) "Carbon Dioxide, not more than 7%," (wrappers) "7% Carbon Dioxide," and (tags) "CO<sub>2</sub> \* \* \* 7% Carbon Dioxide," were false and misleading.

On January 2, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of \$200.

**676. Adulteration and misbranding of Camphor Liniment, Anthelmintic Tablets, and Kamala Compound No. 1 Tablets; and misbranding of Marnebro Concentrate, Marespy Tablets, and Fowl Enteric Tablets. U. S. v. Marrinan Supply Co., Inc. Plea of guilty. Fine, \$45. (F. D. C. Nos. 4137, 5480. Sample Nos. 38116-E, 38404-E, 38647-E, 38659-E, 38660-E, 38661-E.)**

The Camphor Liniment differed from the pharmacopoeial requirements. The Anthelmintic Tablets and Kamala Compound No. 1 fell below their declared standards and they and the remaining products bore on their labeling false and misleading claims regarding their efficacy in the treatment of diseases of animals and poultry. The Marnebro Concentrate was falsely represented to contain copper arsenite and its label failed to bear an accurate statement of the quantity of the contents.

On October 27, 1941, the United States attorney for the District of Minnesota filed an information against the Marrinan Supply Co., Inc., St. Paul, Minn., al-

leging shipment within the period from on or about September 9 to on or about October 18, 1940, from the State of Minnesota into the States of Wisconsin, Iowa, North Dakota, and South Dakota of quantities of the above-named products which were misbranded and portions of which were also adulterated.

The Camphor Liniment was alleged to be adulterated: (1) In that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia but its strength differed from or its quality or purity fell below the standard set forth in such compendium since it contained not more than 1.7 percent of camphor, and did contain small proportions of ammonium chloride, ammonia water, and aromatics, whereas the pharmacopoeia provides that camphor liniment shall contain not less than 19 percent of camphor, and does not mention ammonium chloride, ammonia water, or aromatics as constituents of camphor liniment; and the difference in strength, quality, or purity from such standard was not plainly stated on the label. (2) In that a substance containing not more than 1.7 percent of camphor, small proportions of ammonium chloride, ammonia water, and aromatics had been substituted wholly or in part for camphor liniment, which it purported to be. It was alleged to be misbranded in that the statement "Camphor Liniment," appearing on the label, was false and misleading.

Analysis of the Marnecro Concentrate showed that it consisted essentially of charcoal, sulfur, copper sulfate, sodium sulfate, iron sulfate, and sodium chloride, but no copper arsenite or other arsenic-bearing substances. It was alleged to be misbranded (1) in that representations in the labeling that it was efficacious in the prevention and cure of necrotic enteritis in pigs; and as an antiseptic, vermifuge, and febrifuge; that it would absorb and hold deleterious gases, increase gastric juices, aid digestion, eliminate waste from the body, and purify the blood; and would be efficacious in the treatment of scours, were false and misleading since it would not be efficacious for such purposes; (2) in that the statement "Copper Arsenite" on the label was false and misleading since it contained no copper arsenite; and (3) in that it was in package form and its label did not bear an accurate statement of the quantity of the contents in terms of weight.

Analysis of the Anthelmintic Tablets showed that they contained not more than 5.23 grains of kamala and not more than 8.62 grains of copper sulfate per tablet. They were alleged to be adulterated in that their strength differed from or their quality or purity fell below that which they purported and were represented to possess, since each of the tablets purported and was represented to contain 10 grains of kamala and 10 grains of copper sulfate; whereas the tablets each contained not more than 5.23 grains of kamala and not more than 8.62 grains of copper sulfate. They were alleged to be misbranded (1) in that statements in the labeling which represented that they were efficacious as an anthelmintic, for the control of "tapeworm infection," to remove stomach worms, and as a general anthelmintic agent for sheep and goats, were false and misleading since they were not efficacious for such purposes; and (2) in that the statement "Each Tablet Contains: Kamala 10 grs. Copper Sulphate 10 grs.," borne on the box, was false and misleading since the tablets contained less kamala and copper sulfate than the amounts represented.

Analysis of the Marespy Tablets showed that they consisted essentially of eucalyptol, small proportions of guaiacol, potassium chlorate, and a chromium compound, with inert ingredients such as calcium carbonate and magnesium carbonate. They were alleged to be misbranded in that the statement "Roup" appearing on the boxes was false and misleading since they were not efficacious in the treatment of roup in poultry.

Analysis showed that the Kamala Compound No. 1 Tablets contained not more than 7.12 grains of kamala and not less than 1.20 grains of nicotine sulfate per tablet. They also contained calomel, a mercurial derivative, in the amount of approximately  $\frac{1}{2}$  grain per tablet. They were alleged to be adulterated in that their strength differed from that which they purported and were represented to possess since each of the tablets was represented to contain 9 grains of kamala and  $\frac{1}{4}$  grain of nicotine sulfate; whereas the tablets contained not more than 7.12 grains of kamala and not less than 1.20 grains of nicotine sulfate. They were alleged to be misbranded (1) in that the statement in the labeling which represented that they were efficacious for the treatment of poultry infested with roundworms or tapeworms was false and misleading since they would not be efficacious for such purposes; (2) in that the statement "Tablets \* \* \* Kamala 9 grs. Nicotine Sulphate  $\frac{1}{4}$  gr.," appearing on the boxes, was

false and misleading since the tablets contained not more than 7.12 grains of kamala and not less than 1.20 grains of nicotine sulfate; and (3) in that they were fabricated from two or more ingredients and contained the ingredient calomel, a derivative or preparation of mercury, and the label did not show that said ingredient was a derivative or preparation of mercury.

Analysis showed that the Fowl Enteric Tablets consisted essentially of compounds of calcium, sodium, and copper, sulfates, phenolsulfates, and approximately 1/10 grain of copper arsenite per tablet.

They were alleged to be misbranded (1) in that the statements in the labeling which represented that they were efficacious in the treatment of enteritis, black-head, and various intestinal infections in fowls were false and misleading since they were not efficacious for such purposes; and (2) in that they were fabricated from two or more ingredients and contained arsenic, but the label did not bear the common or usual name of each active ingredient, including the quantity or proportion of arsenic that they contained.

On November 12, 1941, a plea of guilty was entered on behalf of the defendant and a fine of \$45 was imposed by the court.

**677. Adulteration and misbranding of Cal-Par. U. S. v. 26 Dozen Packages and 6 Dozen Packages of Cal-Par with circulars entitled "Dr. Parrish's 7 Day Reducing Plan" and display cards entitled "Lose Fat." Default decree of condemnation and destruction. (F. D. C. No. 5237. Sample No. 61018-E.)**

This product, in addition to being more than 50 percent deficient in phosphorus, contained in its labeling false and misleading claims regarding its value as a weight reducer and as a treatment for various diseases and disease conditions.

On or about August 12, 1941, the United States attorney for the Western District of Washington filed a libel against 26 dozen 7-ounce packages and 6 dozen 16-ounce packages of Cal-Par, together with all circulars entitled "Dr. Parrish's 7 Day Reducing Plan" and all display cards entitled "Lose Fat" at Seattle, Wash., alleging that the article had been shipped by Hood Products Corporation from New York, N. Y., on May 10 and 14, 1941; and charging that it was adulterated and misbranded.

Microscopic examination of a sample of the article showed that it contained wheat germ, wheat bran, crystalline material, and wheat flour. Chemical examination showed that it contained calcium, phosphorus, and iron salts, and sugar.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess, namely, 1.8 grams of phosphorus per 2 heaping teaspoonfuls; whereas it contained much less than 1.8 grams of phosphorus per 2 heaping teaspoonfuls.

The article was alleged to be misbranded in that representations in the labeling that it would supply the average person's daily needs of phosphorus; that it would build strong teeth, sturdy bones, firm flesh, pliant muscles, and efficient brain cells; that it was an aid for underweight and for reducing overweight; that it would protect the user against nervousness, tiredness, sleeplessness, and lack of pep and vigor; that it would prevent heart trouble, nervous disorders, kidney complaints, liver ailments, digestive upsets, eye afflictions, and many other ailments due to the lack of certain vitamins and minerals; that it would aid in maintaining the acid-base equilibrium of the blood; that it would furnish nourishment to nerves and the brain; that it constituted an adequate treatment in anemia conditions, run-down conditions, and sinus trouble; and would relieve the pains of arthritis and rheumatism, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3648.

On December 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**678. Adulteration of tincture of digitalis. U. S. v. 5 Bottles of Tincture Digitalis. Default decree of condemnation and destruction. (F. D. C. No. 3871. Sample No. 37766-E.)**

The potency of this article exceeded by approximately 50 percent the maximum potency for tincture of digitalis as specified in the United States Pharmacopoeia.

On February 27, 1941, the United States attorney for the Northern District of Georgia filed a libel against 5 bottles of tincture of digitalis at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about December 9, 1940, by the Standard Pharmaceutical Corporation from Baltimore, Md.; and charging that it was adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States